

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION

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JAMES PEASE,

Plaintiff,

v.

WHITEWATER UNIFIED SCHOOL DISTRICT  
and MARK ELWORTHY,

Case No. 20-CV-103

Defendants.

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**PLAINTIFF'S MOTION TO EXTEND DISCOVERY, SANCTIONS FOR  
DEFENDANTS' VIOLATING JUNE 4, 2021 ORDER, AND FOR AN AWARD  
OF REASONABLE ATTORNEY'S FEES**

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NOW COMES Plaintiff, Jim Pease by his undersigned attorneys, hereby moves the Court for an order to extend discovery, sanctions for Defendants violating the June 4, 2021 order, and for an award of reasonable attorney fees pursuant to Fed. R. Civ. P. 30, 32, 37, Local Rules 26, and 37, and 28 U.S.C.S. § 1927. The grounds for this motion follow.

1. The Defendants' attorneys disrupted the August 27, 2021 re-deposition of David Brokopp.
2. The Defendants are violating this Court's June 4, 2021 order (Dkt. 37, 38, 40).
3. The Defendants' late production prejudiced Plaintiff as areas for questioning were not known and the questions that Plaintiff put to Defendants were wasted.

WHEREFORE, Plaintiff respectfully moves this Court to issue,

1. An order extending discovery for 45 days for further inquiry based on the withheld documents including the Brokopp Addendum, not limited to a re-deposition of Mark Elworthy.

2. An order requiring Defendants' attorneys to reimburse Plaintiff costs arising from Defendants' Rule 30 violations, including (1) all the costs of the two Brokopp depositions, (2) the cost of further discovery based on the withheld documents, (3) costs related to the withholding of the Brokopp Addendum including the re-deposition of Mark Elworthy.

3. Sanctions against the Defendants for violating its June 4<sup>th</sup> order and 28 U.S.C.S. § 1927 arising from Plaintiff's burden caused by Defendants' acts of bad faith by ordering Defendants' attorneys to reimburse Plaintiff, (1) the costs of this motion, (2) to reimburse Plaintiff for half of the costs from the June 4<sup>th</sup> order, within five days (overdue as previously ordered); and grant such other and further relief as the Court deems just and proper.

Dated this 29th day of October, 2021.

s/ by Ben Hitchcock Cross  
CROSS LAW FIRM, S.C.  
On behalf of Plaintiff  
Ben Hitchcock Cross (#1066395)  
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